## **REMARKS**

Applicant respectfully requests reconsideration and allowance of the subject application. Claims 1-39 are pending.

### **Section 131 Declaration**

Applicant submits herewith a Declaration under 37 C.F.R. §1.131 and supporting documentation to evidence that the invention was conceived in the United States prior to the September 15, 1998 filing date of U.S. Patent No. 6,219,653 B1 to O'Neill et al (hereinafter, "O'Neill"). Accordingly, the O'Neill reference should be removed as a reference because it is not prior art.

#### 35 U.S.C. § 102

Claims 1, 3, and 8 are rejected under 35 U.S.C. 102(e) as being anticipated by O'Neill. In view of the §131 Declaration, the O'Neill reference is removed as prior art. Applicants respectfully request withdrawal of the §102 rejection.

#### 35 U.S.C. §103

Claims 2, 4-7, 9-39 are rejected under 35 U.S.C. §103(a) as being unpatentable over O'Neill in view of Official Notice. In view of the §131 Declaration, the O'Neill reference is removed as prior art. Applicants respectfully request withdrawal of the §103 rejection.

# **CONCLUSION**

All pending claims 1-39 are in condition for allowance. Applicant respectfully requests reconsideration and prompt issuance of the subject application. If any issues remain that prevent issuance of this application, the Examiner is urged to contact the undersigned attorney before issuing a subsequent Action.

Respectfully Submitted,

Dated: 12/16/02

y:

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